

7.2	NORTH PERTH COMMUNITY GARDEN LICENCE FOR CONTAINERS FOR CHANGE COLLECTION BIN - 10 FARMER STREET, WOODVILLE RESERVE
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- Attachments:**
1. Proposed Licence Area
 2. Containers for Change Collection Bin Supplied by City of Perth

RECOMMENDATION:**That Council:**

1. **APPROVES** a licence to the North Perth Community Gardens (NPCG), for a portion of Woodville Reserve, Lot 2545, 10 Farmer Street, North Perth and subject to the approval of the Minister for Lands, and in accordance with the licence terms for a Category One (1) tenant under the City's Property Management Framework:
 - 1.1 **Term:** one year;
 - 1.2 **Option term:** 2 x one year options at City's sole discretion;
 - 1.3 **Licence fee:** \$21 plus GST per annum (paid on demand);
 - 1.4 **Outgoings:** None payable;
 - 1.5 **Licence Area:** 3sqm;
 - 1.6 **Permitted Purpose:** installation of container for collection of recycling materials in line with the 'Containers for Change' scheme
 - 1.7 **Public liability:** NPCG to effect and maintain current public liability insurance of not less than \$20,000,000 (per claim);
 - 1.8 **Condition:** provided in 'as is' condition;
 - 1.9 **Building insurance:** payable by the NPCG with excess on any claim also payable by NPCG;
 - 1.10 **Maintenance/repairs:** Licensee to keep the Licence Area in a tidy and safe condition and repair or replace the container when it becomes damaged or requires replacement;
 - 1.11 **Damage to Premises:** in the event the Premises is damaged so it becomes unfit for use the City may at its discretion terminate the lease, and no compensation will be payable to the tenant.
 - 1.12 **Pest Control:** Licensee to cover costs necessary to keep the Licence Area and Container free of pests and vermin;
 - 1.13 **Cleaning:** Licensee to keep the Licence Area clean and tidy, dispose of any dumped materials or rubbish and remove any excess containers that do not fit within the Container;
 - 1.14 **Additional Charges:** Any rubbish or discarded items not removed by the Licensee in a timely fashion may be removed by the City and the costs will be on charged to the Licensee;
 - 1.15 **Termination:** Either party may terminate the Licence by providing one month's written notice to the other party; and

- 1.16 **Additional Charges:** Any rubbish or discarded items not removed by the Licensee in a timely fashion may be removed by the City and the costs will be on charged to the Licensee;
2. **NOTES that at the expiration of the Licence, the Licensee will be required to remove the container and make good the Licence Area to the satisfaction of the City;**
 3. **Subject to the Minister's approval in clause 1 above and final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES the Mayor and the Chief Executive Officer to affix the common seal and execute the License as set out above; and**
 4. **NOTES that the NPCG are required to notify immediate neighbours surrounding Woodville Reserve of the installation of the container prior to installation.**

PURPOSE OF REPORT:

For Council to consider entering into a License for the placement of an approved container on Woodville Reserve by the North Perth Community Garden Inc (NPCG) for the purposes of collecting eligible recycling materials in line with the 'Containers for Change' scheme.

BACKGROUND:

The City leases the portion of Woodville Reserve, 10 Farmer Street, North Perth (Woodville Reserve) comprising the Premises for a term of 999 years from the Crown pursuant to a lease dated 13 June 1925. Pursuant to sections 41 and 47 of the Land Administration Act 1997 (LAA) and the City's lease, Woodville Reserve is a Class A reserve specified as 'solely for the purpose of recreation'.

The Reserve is a multi-use recreation facility, with leases held by:

- North Perth Bowling Club Inc.
- North Perth Tennis Club Inc.
- North Perth Community Garden Inc
- Vincent Men's Shed

NPCG currently holds a sub-lease on a portion of Woodville Reserve. The current sub-lease's agreed initial term was from 2 October 2015, expiring on 1 October 2018, and no additional terms were provided. Since 2 October 2018, the NPCG sub-lease has been managed on a month-to-month basis pending agreed outcomes being reached in accordance with the Property Management Framework.

DETAILS:

Administration has received a proposal from NPCG to install a 'Containers for Change' collection bin near their current leased area at Woodville Reserve. 'Containers for Change' is a recycling scheme that commenced in October 2020 across Western Australia. For every eligible container that is returned to a refund point under the scheme, the individual or organisation can redeem a 10 cent refund.

The proposed location of the Container is on the southern side of Woodville Reserve, adjacent to Farmer Street (**Attachment 1**). As the Container would need to be located outside of their lease area a formal licence is required.

There are a number of refund point operators who partner with community groups to provide bins for the collection of containers and who will collect and sort containers and transfer the funds (usually minus a service fee) to the community group. NPCG have determined that the most appropriate refund point operator for them to partner with would be City of Perth.

City of Perth would provide to NPCG a container (**Attachment 2**) at no cost to the NPCG. The container is made of heavy plastic and is 1.2m wide, 1.1m deep and 1.3m high. It is mobile and the lid is light weight making it user friendly. It would be marked with the NPCG code and all containers deposited to it would be credited to NPCG bank account at the rate of 10c per eligible container. City of Perth would be responsible for the collection on request from NPCG. They would then deposit funds into NPCG nominated bank. During the trial period (up to July 2021), there would be no charge to NPCG. City of Perth have advised that

they intend to undertake a review of their scheme at the end of the trial period and that following the trial period, there may be a small administrative fee charged per collection.

This scheme has benefits and advantages for NPCG, including the lack of start-up costs and the user friendly containers provided.

The disadvantages are that unlike some other collection centres, the user does not benefit from receiving the funds for the return of containers, as all funds would be donated to NPCG. There is no provision at this location for other registered users to receive the monetary benefit from the location of the bin.

Additionally, the design of the bin makes it susceptible to misuse, vandalism and theft of contents. This could be avoided by the bin being locked overnight, however, this would reduce the opportunity for the community to contribute. A trial period of leaving the bin unlocked would likely be necessary, to determine whether vandalism or theft are likely to be issues.

Approvals

Entering into a License will provide NPCG the opportunity to install a container and commence collecting eligible recyclables, providing them with an additional revenue source and greater ongoing financial viability.

In accordance with Department of Planning Lands and Heritage (DPLH) Position statement container deposit scheme infrastructure *Where collection cages are located in association with a school, sporting or other club, and on land which is managed by State or local government, the collection cage will be incidental to the predominant use of the site.*

The proposal is to install a collection bin which does not meet the definition of 'container collection cage' and is therefore exempt from development approval.

CONSULTATION/ADVERTISING:

There is no requirement for the City to advertise the License to the community.

Administration have discussed the proposal with the Vincent Men's Shed Committee, given that they are the closest tenant to the proposed licence area at Woodville Reserve and they have raised no objections to the proposal.

LEGAL/POLICY:

Disposal of Property

As NPCG is recreational in nature, and the members would not receive income from the Licence, it is evident that the proposed Licence would not be subject to the requirements of the Local Government Act, with regards to auction or tender, nor the requirement for the City to advertise any intention to enter into a Licence agreement with NPCG.

Ministerial Approval

Pursuant to section 18 of the LAA, the Minister for Lands' consent and approval will be required for any lease or licence of Woodville Reserve.

Execution of Documents

As per the City's Policy 4.1.10 – Execution of Document Policy, the proposed Licence is a category 1(A) document. Category 1(A) documents require a resolution of Council to enter into an agreement, and authority to affix the common seal, and will be signed by both the Mayor and Chief Executive Officer.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to enter into a Licence with the NPCG based on the low cost, temporary and reversible nature of the intended development.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Enhanced Environment

We have improved resource efficiency and waste management.

Enhanced Environment

Our parks and reserves are maintained, enhanced and well utilised.

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

SUSTAINABILITY IMPLICATIONS:

This is in keeping with the following key sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

Waste Reduction

The Containers for Change program supports the operations of the City's Waste Strategy 2018-2023.

Installation of a Containers for Change recycling point will provide the North Perth community with a convenient option for recycling these items, which may otherwise not be recycled.

PUBLIC HEALTH IMPLICATIONS:

This initiative does not have Public Health implications.

FINANCIAL/BUDGET IMPLICATIONS:

All costs generated as the result of the License and development proposed are to be paid by the Licensee. Operational and administrative costs can be met through the City's existing operational budget.

Proposed Licence Area for North Perth Community Garden Container for Change Bin



Fig. 1 Overhead shot of Woodville Reserve with proposed licence area marked in red.



Fig. 2 Ground view of proposed licence area.

Containers for Change Collection Bin Supplied by City of Perth

